

# HOUSE JOURNAL

## OF THE

# IDAHO LEGISLATURE

FIRST REGULAR SESSION  
SIXTIETH LEGISLATURE

THIRTY-NINTH LEGISLATIVE DAY  
THURSDAY, FEBRUARY 19, 2009

House of Representatives

The House convened at 11 a.m., the Speaker in the Chair.

Roll call showed 68 members present.

Absent and excused – Pence, Wood(27). Total – 2.

Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Madeleine Fehlman, Page.

### Approval of Journal

February 19, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Thirty-eighth Legislative Day and recommend that same be adopted as corrected.

CLARK, Chairman

Mr. Clark moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

### Consideration of Messages from the Governor and the Senate

OFFICE OF THE GOVERNOR  
Boise

February 18, 2009

The Honorable Lawrence Denney  
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House Bills, to wit:

[H 3](#), [H 11](#), [H 12](#), [H 15](#), and [H 13](#)

As Always - Idaho, "Esto Perpetua"  
/s/ C.L. "Butch" Otter  
Governor

### Report of Standing Committees

February 19, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [HCR 23](#), [H 163](#), [H 164](#), [H 165](#), [H 166](#), [H 167](#), [H 168](#), [H 169](#), [H 170](#), [H 171](#), and [H 172](#).

CLARK, Chairman

[HCR 23](#) was referred to the Commerce and Human Resources Committee.

[H 163](#), [H 164](#), [H 165](#), [H 166](#), [H 167](#), and [H 168](#) were referred to the Judiciary, Rules, and Administration Committee.

[H 169](#), [H 170](#), and [H 172](#) were referred to the Business Committee.

[H 171](#) was referred to the Health and Welfare Committee.

February 19, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled [HCR 9](#), [H 22](#), [H 66](#), and [H 67](#).

CLARK, Chairman

The Speaker announced he was about to sign enrolled [HCR 9](#), [H 22](#), [H 66](#), and [H 67](#) and, when so signed, ordered them transmitted to the Senate for the signature of the President.

February 18, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled [H 6](#) and [H 7](#) to the Governor at 1:35 p.m., as of this date, February 18, 2009.

CLARK, Chairman

February 18, 2009

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration [HCR 11](#) and recommend that it do pass.

LOERTSCHER, Chairman

[HCR 11](#) was filed for second reading.

February 18, 2009

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration [HCR 7](#), [H 79](#), [S 1012](#), and [S 1019](#) and recommend that they do pass.

NONINI, Chairman

[HCR 7](#), [H 79](#), [S 1012](#), and [S 1019](#) were filed for second reading.

February 18, 2009

Mr. Speaker:

We, your COMMITTEE ON LOCAL GOVERNMENT, report that we have had under consideration [H 143](#) and [H 102](#) and recommend that they do pass.

BARRETT, Chairman

[H 143](#) and [H 102](#) were filed for second reading.

February 18, 2009

Mr. Speaker:

We, your COMMITTEE ON AGRICULTURAL AFFAIRS, report that we have had under consideration [H 99](#) and [H 100](#) and recommend that they do pass.

TRAIL, Chairman

[H 99](#) and [H 100](#) were filed for second reading.

February 18, 2009

Mr. Speaker:

We, your COMMITTEE ON TRANSPORTATION AND DEFENSE, report that we have had under consideration [H 132](#), [H 152](#), and [H 154](#) and recommend that they do pass.

WOOD, Chairman

[H 132](#), [H 152](#), and [H 154](#) were filed for second reading.

February 18, 2009

Mr. Speaker:

We, your COMMITTEE ON ENVIRONMENT, ENERGY, AND TECHNOLOGY, report that we have had under consideration [HCR 16](#) and recommend that it do pass.

RAYBOULD, Chairman

[HCR 16](#) was filed for second reading.

February 18, 2009

Mr. Speaker:

We, your COMMITTEE ON HEALTH AND WELFARE, report that we have had under consideration [H 123](#) and recommend that it do pass.

BLOCK, Chairman

[H 123](#) was filed for second reading.

February 19, 2009

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration [H 57](#), [H 78](#), and [S 1018](#) and recommend that they do pass.

NONINI, Chairman

[H 57](#), [H 78](#), and [S 1018](#) were filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

### Motions, Memorials, and Resolutions

Mr. Moyle moved that the following persons be approved as attaches to serve the House of Representatives for and during the First Regular Session of the Sixtieth Idaho Legislature. Seconded by Mr. Rusche.

Resources & Conservation Secretary ..... Susan OldenKamp  
Commerce & Human Resources Secretary.....Mary Tipps  
Information Clerk .....Eric Sater

Whereupon the Speaker declared the motion carried by voice vote. The Speaker announced the oath of office had been previously administered to the above named attaches.

### HOUSE JOINT MEMORIAL NO. 3 BY STATE AFFAIRS COMMITTEE

#### A JOINT MEMORIAL

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the First Regular Session of the Sixtieth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the Second Amendment of the United States Constitution does not simply provide for a collective right or a right for the states to establish militias; rather it provides for the right of the people to keep and bear arms; and

WHEREAS, the primary purpose of the right to keep and bear arms is to protect one's self, family and possessions from either the private lawlessness of other persons or the tyranny of government; and

WHEREAS, the right to keep and bear arms is also meant to protect the general private uses of firearms in activities such as hunting and other sporting activities; and

WHEREAS, the United States Supreme Court in *Dist. of Columbia v. Heller*, 128 S.Ct. 2783 (2008), recently struck down a firearms ban in the District of Columbia, explicitly ruling that the Second Amendment protects the right of the people to possess firearms for private use; and

WHEREAS, despite this ruling, legislation has been introduced in the United States House of Representatives calling for a system of mandatory federal licensing of all firearm owners; and

WHEREAS, the legislation introduced would require all firearm owners to apply for and carry a federally issued picture identification in order to keep any firearm in their homes; and

WHEREAS, the legislation introduced would make it a federal crime to keep a loaded firearm or an unloaded firearm and ammunition within any premises including, under certain circumstances, American homes where a child may be present; and

WHEREAS, the legislation introduced specifically purports to preempt any state or local law inconsistent with it; and

WHEREAS, the introduced legislation, Blair Holt's Firearm Licensing and Record of Sale Act of 2009, is a direct imposition on each American's individual right to keep and bear arms in their homes and for their protection.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixtieth Idaho Legislature, the House of Representatives and the Senate concurring therein, that members of the United States Congress cease and desist attempting to enact federal legislation impinging on the individual right of every American to keep and bear arms in any manner. Specifically, that members of Congress oppose the passage of the Firearm Licensing and Record of Sale Act of 2009, and any similar legislation.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

[HJM 3](#) was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

**Introduction, First Reading, and Reference  
of Bills and Joint Resolutions**

**HOUSE BILL NO. 173  
BY STATE AFFAIRS COMMITTEE  
AN ACT**

RELATING TO THE DEPARTMENT OF ADMINISTRATION AND GROUP INSURANCE; AMENDING SECTION 67-5333, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE USE OF UNUSED SICK LEAVE BY THE IDAHO PUBLIC EMPLOYEE RETIREMENT BOARD TO PAY CERTAIN INSURANCE PREMIUMS; AMENDING SECTION 67-5761, IDAHO CODE, TO REVISE POWERS AND DUTIES OF THE DIRECTOR OF THE DEPARTMENT OF ADMINISTRATION REGARDING GROUP INSURANCE AND TO REVISE PROVISIONS RELATING TO GROUP INSURANCE COVERAGE FOR CERTAIN RETIREES; AND DECLARING AN EMERGENCY.

**HOUSE BILL NO. 174  
BY EDUCATION COMMITTEE  
AN ACT**

RELATING TO THE MANAGED HEALTH CARE REFORM ACT; AMENDING SECTION 41-3927, IDAHO CODE, TO PROVIDE CERTAIN CONTRACTUAL OBLIGATIONS OF A MANAGED CARE ORGANIZATION.

[H 173](#) and [H 174](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House advanced to the Tenth Order of Business.

**Second Reading of Bills and Joint Resolutions**

Mrs. Block asked unanimous consent that [HCR 19](#) be returned to the Health and Welfare Committee. There being no objection, it was so ordered.

[HCR 20](#), by Health and Welfare Committee, was read the second time by title and filed for third reading.

[H 137](#), by Resources and Conservation Committee, was read the second time by title and filed for third reading.

**Third Reading of Bills and Joint Resolutions**

[S 1067](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Ringo to open debate.

The question being, "Shall [S 1067](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Raybould, Ringo, Roberts,

Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayne, Thompson, Trail, Wood(35), Mr. Speaker. Total – 67.

NAYS – None.

Absent and excused – Pence, Wills, Wood(27). Total – 3.  
Total – 70.

Whereupon the Speaker declared that [S 1067](#) passed the House. Title was approved and the bill ordered returned to the Senate.

[S 1068](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Eskridge to open debate.

The question being, "Shall [S 1068](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayne, Thompson, Trail, Wood(35), Mr. Speaker. Total – 67.

NAYS – None.

Absent and excused – Pence, Wills, Wood(27). Total – 3.  
Total – 70.

Whereupon the Speaker declared that [S 1068](#) passed the House. Title was approved and the bill ordered returned to the Senate.

[S 1069](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Patrick to open debate.

The question being, "Shall [S 1069](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayne, Thompson, Trail, Wood(35), Mr. Speaker. Total – 67.

NAYS – None.

Absent and excused – Pence, Wills, Wood(27). Total – 3.  
Total – 70.

Whereupon the Speaker declared that [S 1069](#) passed the House. Title was approved and the bill ordered returned to the Senate.

[H 51](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Hart to open debate.

The question being, "Shall [H 51](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Raybould, Ringo, Roberts, Ruchti, Rusche, Saylor, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayne, Thompson, Trail, Wood(35), Mr. Speaker. Total – 67.

NAYS – None.

Absent and excused – Pence, Wills, Wood(27). Total – 3.

Total – 70.

Whereupon the Speaker declared that [H 51](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 83](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Smith(24) to open debate.

The question being, "Shall [H 83](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Raybould, Ringo, Roberts, Ruchti, Rusche, Saylor, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayne, Thompson, Trail, Wood(35), Mr. Speaker. Total – 67.

NAYS – None.

Absent and excused – Pence, Wills, Wood(27). Total – 3.

Total – 70.

Whereupon the Speaker declared that [H 83](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle asked unanimous consent that [S 1043](#) retain its place on the Third Reading Calendar for one legislative day. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

### Adjournment

Mr. Moyle moved that the House adjourn until 8 a.m., Friday, February 20, 2009. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:48 a.m.

LAWERENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk